Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address:

   CLIFFORD W. NIXON
   1110 LITTLE BEAR RD.
   GALLATIN GATEWAY, MT 59730

2. Type of action: Application to Change a Water Right (41H 30065837) seeks to add 1) a purpose of lawn and garden irrigation, and 2) a 1.62-acre place of use, to Statement of Claim No. 41H 1171-00. Water has been salvaged by replacing a section of ditch with a pipeline.

3. Water source name: Affected stream reach includes Big Bear Creek, a tributary to the Gallatin River.

4. Location affected by project: Water has been salvaged from the Armstrong (Nixon) ditch through the installation of a pipeline. Salvaged water (2.84 AF) will be applied on up to 1.62 acres of lawn and garden in the SW¼SW¼NW¼ of Section 25, T3S, R4E, Gallatin County.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to apply 2.84 AF on up to 1.62 acres of lawn and garden. The water has been salvaged by replacing a ditch with a pipeline. Lawn and garden irrigation is a recognized beneficial use of water and the DNRC shall issue the change in water right if an applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
   Montana Fish, Wildlife, and Parks – Montana Fisheries Information System
   Montana Department of Environmental Quality - Clean Water Act Information Center website
   Montana National Heritage Program

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: No impact. As confirmed by a search of the Montana Fisheries Information System (http://fwp.mt.gov/fishing/mFish/) conducted on October 8, 2013, Big Bear Creek is listed as a chronically dewatered stream. However, the Applicant will not increase diversion or consumption of water from the historical condition. The replacement of the ditch with a pipeline has enabled the Applicant to leave more flow in the stream, which has benefitted the chronic dewatering condition during portions of the year.

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: No impact. Big Bear Creek is not listed as impaired by the DEQ as confirmed by a search of the 2012 303(d) list at the Clean Water Act Information Center website, http://cwaic.mt.gov/instruct.aspx. This stream is tributary to the Gallatin River which is listed as impaired due to low flow alterations. However, the proposed change will not increase the diverted/consumed amount of water from Big Bear Creek from historic conditions, resulting in no water quality impact to either Big Bear Creek or the Gallatin River.

Groundwater *- Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: No impact. The proposed project will not impact groundwater quality or supply.

DIVERSION WORKS *- Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: No impact. The change involves the installation of a secondary pipeline on the applicant's property which will not affect any stream conditions.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species *- Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: No impact. There are 5 animal (Wolverine, Grizzly Bear, Great Blue Heron, Yellowstone and Westslope Cutthroat Trout) species of concern, and 1 animal Potential Species of Concern (Uinta Ground Squirrel) listed by the Montana National Heritage Program website, http://mtnhp.org/SpeciesOfConcern (Search date 10/8/13). No plant Species of Concern or Potential Species of Concern exist. As this proposed application is to salvage water by replacing

a ditch with a pipeline, no impacts will occur to threatened or endangered species, or any "species of special concern."

Wetlands *- Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: Not applicable. No wetlands are involved in this project.

Ponds *- For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: Not applicable. No ponds are involved in this project.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: No impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No impact. Establishment and/or spread of noxious weeds will not occur as a result of salvaging water from a ditch.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No impact. No deterioration of air quality will result from salvaging water from a ditch.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: NA – project not located on State or Federal Lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No impact. Lawn and garden irrigation is a locally accepted beneficial use of water.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No impact. The proposed project will not impact access to or the quality of recreational and wilderness activities.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No impact. The project will not impact human health.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
*Yes___ No_**X**__ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights*.

Determination: The project does not impact government regulations on private property rights.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(*a*) *Cultural uniqueness and diversity?* No impacts identified.

(*b*) *Local and state tax base and tax revenues?* No impacts identified.

(*c*) *Existing land uses?* No impacts identified.

(*d*) *Quantity and distribution of employment?* No impacts identified.

(*e*) *Distribution and density of population and housing?* No impacts identified.

(*f*) *Demands for government services?* No impacts identified.

(*g*) *Industrial and commercial activity?* No impacts identified.

(*h*) *Utilities?* No impacts identified.

(i) *Transportation?* No impacts identified.

(j) *Safety?* No impacts identified.

(k) *Other appropriate social and economic circumstances?* No impacts identified.

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: No secondary impacts have been identified.

Cumulative Impacts: No cumulative impacts have been identified.

3. ***Describe any mitigation/stipulation measures:*** No mitigation/stipulation measures are necessary.

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** No human/environmental impacts exist as a result of the change to salvage water from a ditch. No prudent alternative to consider exists.

PART III. Conclusion

1. ***Preferred Alternative*** No significant impacts exist that would require an alternative to provide mitigation.

2 ***Comments and Responses*** None at this time.

3. ***Finding:***
*Yes___ No_**X**__ Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: The EA is the appropriate level of analysis because the proposed project is to salvage water from replacing a ditch with a pipeline and no significant impacts are anticipated.

Name of person(s) responsible for preparation of EA:

Name: Troy Benn
Title: Engineer/Hydrologist
Date: 10/10/2013